

<p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	<p>Policy Number</p> <p style="text-align: center;">28-01-03</p> <p>Date Filed</p> <p style="text-align: center;">January 12, 2005</p>	<p>Total Pages</p> <p style="text-align: center;">11</p> <p>Effective Date</p> <p style="text-align: center;">May 26, 2005</p>
<p>Authority/References</p> <p>KRS 196.030, 196.035, 439.340, 439.510, 532.045, 532.050, 532.080, 532.120, 533.060 and 61.878 P&P ACA 3-3211, 3-3213, 3-3214, 3-3215, 3-3216, 3-3218, 3-3219, 3-3220, 3-3221, 3-3222, and 3-3223</p>	<p>Subject</p> <p style="text-align: center;">PRESENTENCE, POSTSENTENCE, SUPPLEMENTAL AND PARTIAL INVESTIGATIONS</p>	

I. DEFINITIONS

“Documentation custody time credit” means the number of days served in a local jail that shall be credited toward an offender’s term of imprisonment.

“Partial investigation” means a written response to another authority within or outside the state for specific information.

“Postsentence investigation document” means a written document prepared following final sentencing in a case when a Presentence Investigation has not been ordered.

“Presentence investigation document” means a written court ordered investigation prepared after adjudication of guilt which includes the information required in KRS 532.050(2).

“Prisoner intake notification document” means a Department of Corrections generated document that contains information concerning a committed felon, which is used by institutional and central office personnel to schedule admission to the institution and to reconcile billings from a local jail. The document shall be saved and a copy printed out for the file.

“Supplemental postsentence investigation” means a written document prepared when a Corrections’ inmate is sentenced and a Presentence Investigation is not ordered, or if an additional sentence is imposed.

“Victim impact statement” means a statement from the victim.

“Victim notification” means a document containing the name, address and phone number of the victim.

II. POLICY and PROCEDURE

A. Data Collection

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1. Presentence and postsentence investigation intake packet shall contain:
 - a. The multi-page presentence and postsentence investigation interview data intake packet, which shall assist an officer in gathering the essential information needed to prepare a presentence or postsentence investigation document.
 - b. Any necessary copies of information provided by offender.
 - c. Two (2) signed copies of the authorization for release of information document.
2. Timing and Location of interview
 - a. The officer shall interview the offender as soon as possible to ascertain any information that needs verification by mail. An officer shall verify documentation provided by the offender. An item which is not verified shall be noted by using "uv" for unverified. Permanent records, including birth certificate, military, school and social security records, shall be retained in the file. In the case of a postsentence investigation document, if the offender is in custody in a jail, the interview may be conducted immediately before the offender is transferred to a Corrections institution.
 - b. If the offender is on bond waiting final sentencing, the officer shall conduct the interview in an appropriate setting.
 - c. If necessary, the investigation interview, in such cases, may be conducted in the offender's home. An officer shall not interview an offender of the opposite sex without another officer present.
 - d. If all attempts to locate and interview the offender fail, the officer shall be responsible for completing the presentence investigation document from public records and information provided by the offender's family. A cover letter to the sentencing judge shall be prepared explaining the attempts made to contact and interview the offender. This letter shall be attached to the top of the submitted presentence investigation document as explanation for the lack of some information or verification.
 - e. If the offender refuses to be interviewed by the officer, his lack of cooperation shall be addressed within the cover letter attached to the presentence document and in the summation of the

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postsentence document. A summation shall be completed on all documents.

3. Social and Criminal History

- a. If the offender has lived in another jurisdiction within the state, the officer shall make a criminal history check and obtain any other needed information. A release of information document may be forwarded with a request for social history data.
- b. The officer shall request a criminal history check directly through National Crime Information Center (NCIC) or Law Information Network of Kentucky (LINK). If out-of-state offenses require further clarification, the officer shall contact the jurisdiction. The officer shall be responsible for requesting the information, regardless of receiving a timely, appropriate response. Although a delayed response may not be reflected in the initial document, the information may be used in making future sentencing or correctional decisions.
- c. The officer shall conduct a record check through pretrial services, Circuit or District Court records, and the local jail, if necessary.
 - (1) A check for an outstanding warrant on file with NCIC shall be requested from a local law enforcement agency.
 - (2) A law enforcement abstract shall not be attached to the completed presentence or postsentence investigation document.
- d. Juvenile Adjudication - essential data shall include:
 - (1) Source of juvenile adjudication
 - (2) Date of arrest or charge
 - (3) Court of appearance
 - (4) If guilt is determined, a brief description, if available, of the offense
 - (5) Date and disposition of the offense
- e. Adult Arrest Record - essential data shall include:

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- (1) Source of adjudication
- (2) Date of arrest or charge
- (3) Court of final or pending adjudication
- (4) All criminal charges, including arrest or court contacts and case numbers
- (5) Date and disposition of the offense. The disposition shall be complete, reflecting probation revocation, institutional release, return as a parole violator or any other official action relating to the specific criminal conviction.
- (6) Active and historical record of emergency protective orders and domestic violence orders available through [LINK](#).

f. Review of offender's file within the local office, if available

The officer shall review any previously completed investigation document, supervision document, urinalysis test result, offender releasee document or other document which reflects the offender's conduct under supervision.

g. Confidentiality

An investigation shall be confidential. The documents shall be classified as "closed" under the Kentucky Open Records Act. An officer shall:

- (1) Refrain from discussing investigative information in public or with those without authorization to obtain the investigation.
- (2) Case files shall be kept in an officer's immediate possession or in a file cabinet. Case files shall only be given to authorized personnel.

B Felony Presentence and Postsentence Investigation

1. Case Information

The following information shall be included in the body of the presentence investigation regarding the court and offense information:

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- a. The full name of the presiding judge, preceded by “Honorable,” the judicial district, division, and county
 - b. The offender’s name shall be recorded as it appears on the indictment with the last name typed in all capital letters. If the offender’s name is different from the name by which the offender was indicted, this name shall be included
 - c. The full name of the defense attorney indicating whether hired or appointed, and the full name of the prosecuting attorney
 - d. The indictment number, offense, including original and amended, the Commonwealth’s recommendation (if no recommendation, state “OPEN”), and the final sentence
 - e. The following dates shall be included:
 1. Final sentencing date
 2. Revocation date, if applicable
 3. Date the offense occurred
 4. Date of arrest
 5. Date of indictment
 6. Date of conviction
 7. Date PSI document is prepared
 - f. The arresting agency
 - g. Co-defendants, if any
 - h. Method of conviction
 - i. If the offender is in custody and what facility, or if the offender has posted bond and the amount
 - j. Any applicable jail custody credit
 - k. Name of officer preparing the document
2. The following shall be included in the PSI regarding the offender’s personal data:
- a. Social security number, FBI number, SID number, and driver’s license number
 - b. Race

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- c. Sex
 - d. Date of birth and location
 - e. Offender aliases, including nicknames
 - f. Height and weight
 - g. Color of eyes and hair; note the natural color of hair
 - h. Tattoos, scars, or any physical identifying data
 - i. Current address and address prior to incarceration, and length of time in county of conviction
 - j. Marital status and dependents
 - k. Gang affiliation
 - l. Military service
 - m. Last school attended, highest grade completed, GED information, academic achievement, any learning disabilities, and if the offender possesses a diploma or degree and school conduct
 - n. Name, address and phone number of emergency contact
 - o. Offender's vehicle information
3. The following information shall be included in the PSI regarding the nature and description of the crime convicted:
- a. Specific details of the offense including the offender's involvement
 - b. Answer basic questions of who, what, when, where, and how
 - c. Circumstances leading to the commission of the offense
 - d. Aggravating or mitigating circumstances including type of weapon, victim's physical injury or monetary loss, and if any loss was recovered.
 - e. Victim's age and relationship to the offender

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4. The above information may be obtained from the following files:
 - a. Arresting or investigating agency
 - b. Commonwealth Attorney
 - c. Grand jury or court testimony
 - d. Victim of offense
5. The following information shall be included in the prior criminal history, both juvenile and adult:
 - a. Chronological list of prior offenses, starting with the earliest offense and concluding with the most recent. Each offense shall include the date of offense, court and case number, offense, date of disposition, and disposition.
 - b. If no record is located, indicate as such
 - c. If no record check has been received prior to the date of final sentencing, identify the agency and enter that the information has been requested but not received to date. If the information is received after final sentencing and it impacts the offender's classification, it shall be forwarded to Central Office Offender Information.
 - d. Record any Emergency Protective Orders (EPO)/Domestic Violence Orders (DVO). If there are no records of EPO/DVO found, state "no record found".
6. The following information shall be included regarding employment status:
 - a. Economic status including income per hour, source of support, and financial assets and obligations as well as employment history
 - b. List occupational and vocational training and job skills with description
 - c. Any employment and job skills limitations
7. The following shall be included regarding social history:
 - a. Early family background including birthplace, primary caregiver, formative years, and any family problems such as sexual abuse,

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physical abuse, strict discipline, alcoholism, drug abuse, and criminal involvement of parents and siblings

- b. Present family relationships including marital status, number of children, and child custody issues
 - c. Family members shall be listed by name, relationship, age, address, phone number, and occupation
8. The following shall be included regarding physical and mental condition:
 - a. Describe present physical and mental health
 - b. List any illnesses, impairments, allergies, and injuries
 - c. List any prescribed medications
 - d. List any suicide attempts, psychiatric treatment, emotional problems, and prior hospitalizations
9. The following shall be included regarding substance usage:
 - a. List the types of controlled substances and alcohol and frequency of use
 - b. Report any treatment received by describing the program, length of stay, and status of completion
10. The PSI shall conclude with a case summation, which includes:
 - a. Number of prior felony convictions
 - b. Offender's statement or version of the offense indicating the offender's admission or denial of guilt, or the offender's choice to decline comment
 - c. The offender's strengths and weaknesses
 - d. The officer's recommended plan shall include institutional treatment programs, or if eligible, a community probation plan
 - e. The officer shall also address the offender's ability to pay fees, fines, or restitution

C Submission of Documents

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An officer shall adhere to the following procedures:

1. It shall be the officer's responsibility to secure from the court the disposition.
2. If a motion to withhold judgment is "overruled" by the court and the offender is remanded to Corrections, the officer shall immediately forward two (2) copies of the presentence or postsentence investigation document to the District Supervisor. Under normal circumstances, an overruled presentence or postsentence investigation document shall be forwarded to the District Supervisor no later than the fifth working day after the date of final sentencing.
3. The officer shall complete the prisoner intake notification document, which is intranet generated, immediately or on the next working day. Print a copy for the file and save.
4. If a copy of the commitment order is obtained, the officer shall determine if the order reflects the number of days in jail credited toward the sentence. If the days are indicated in the court order, a copy shall be forwarded to the District Supervisor or designee.
5. The officer shall complete the victim notification document on a class A, B, C, or capital offense felony. The victim notification document for a Class C drug offense shall not be necessary. Type and attach it to the victims' statement. The victim's name and address may be obtained through the victim's advocate. A copy shall be retained in the offender's file. A copy of the document shall be mailed to the Parole Board's victim advocate.

Specified documents shall be forwarded to the District Supervisor no later than the fifth working day after the date of final sentencing, unless extenuating circumstances exist.

6. The District Supervisor, or designee, shall mail the appropriate copy of the prisoner intake notification document, two (2) copies of the presentence or postsentence investigation, two (2) copies of the commitment order, and, if the commitment order does not contain custody credit, two (2) copies of documentation custody time credit to the Assessment and Classification Center.

The District Supervisor or designee shall mail the victim notification document and victim's impact statement, if available to the Parole Board,

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and a copy of the prisoner intake notification document shall be saved to the intranet record.

D. Misdemeanant Presentence Investigation

1. Follow the procedures for timing and location of the interview and the interview and data collection section for the completion of a felony presentence or postsentence investigation.
2. The officer shall submit a copy to the appropriate court and the District Supervisor or designee.
3. The supervising officer shall complete a criminal history on an offender probated without a Presentence Investigation within thirty (30) days of date probated.

E. Supplemental Postsentence Investigation

1. This investigation shall be prepared on a Corrections' inmate who has an additional sentence imposed. An interview shall not be required.
2. The officer shall complete a criminal history on an offender probated without a presentence and postsentence investigation document and custody time credit document according to the procedure described in preparing a felony presentence investigation.

F. Postsentence Investigation

1. A postsentence investigation document shall be completed if:
 - a. The offender waives the statutory right to have a presentence investigation document submitted and is committed to serve a felony sentence.
 - b. The offender waives the statutory right to have a presentence investigation document submitted and is granted probation for a felony conviction.
 - c. The offender's probated felony sentence is revoked.
2. If the offender waives his postsentence investigation, the officer shall follow the procedures outlined in completing a felony presentence investigation.

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3. If a probationer's sentence is revoked, the officer shall update sections of the document in which there have been changes. The case summation shall include any violation of the conditions of supervision and amount of restitution, if any, still owed. The case summation shall be amended to reflect the officer's recommendations for institutional treatment or programs which address problem areas or deficiencies.
4. The officer shall submit the investigation to the District Supervisor or designee who shall review and send the following to Central Office:

Prisoner Intake Notification on intranet and save and print a copy
Victim Impact Statement
Victim Notification Document

The following shall be sent to the institution:

Copy of investigation
Copy of documentation custody time credit
Copy of commitment order
Copy of the order of probation